

RESOLUTION 1998 - 116

**A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL BENEFITED  
PROPERTY WITHIN THE ROAD IMPROVEMENT DISTRICT NO. 93-3,  
LIME KILN ROAD AND SOUTH HILLS ROAD**

WHEREAS, the Board of County Commissioners properly created and established the Lime Kiln Road and South Hills Road Road Improvement District No. 93-3, through Resolution 1993-157; and

WHEREAS, Section 7-14-2907, MCA, provides that the Board of County Commissioners shall by resolution levy and assess a tax upon all benefited property in a district created for such purpose; and

WHEREAS, Resolution 1993-157 provides a mechanism for assessing benefited properties based upon the benefits received; and

WHEREAS, the property owners of lots within Lime Kiln Road and South Hills Road Road Improvement District were notified pursuant to Section 7-12-2159, MCA; and


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lewis and Clark County, that an annual assessment of \$350.00 per lot for road maintenance activities shall be levied and assessed upon all benefited property within the boundaries of Rural Improvement District No. 93-3.

BE IT FURTHER RESOLVED that a description of each parcel of land, the name of each owner, and the amount of annual assessment for each parcel is contained on Exhibit A, attached hereto.

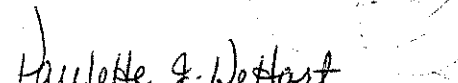
BE IT FURTHER RESOLVED that the assessment amount contained on attached Exhibit A shall be made in two equal payments by the day and month specified on the annual tax notice. Payments made after the specified dates shall be delinquent.

DATED this 6<sup>th</sup> day of August, 1998.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

  
Michael A. Murray, Chairman

ATTEST:

  
Paulette J. DeHart, Clerk of Board

583926

PAULETTE DEHART CLK & REC  
LEWIS & CLARK CO  
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BY Shirley Mcintosh

*no fee*

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EXHIBIT "A"		ASSESSMENT SHEET FOR THE LIME KILN ROAD AND SOUTH HILLS ROAD RID #93-3	RID
GEOCODE	PROPERTY OWNER	LEGAL DESCRIPTION	ASSESSMENT
17860520103M000	TSAO ALBERT	14.0919 AC	\$0.00
178605201130000	BOONE GERARD M & PATRICIA A	TR 1N NW PER COS 402677	\$350.00
178605201150000	NICKEL JAMES E & CAULLIEZ NATHALIE C	TR 1N NW C/S 402677	\$350.00
17860520116M000	BANNING WILLIAM R & LINDA D	TR B PER C/S #421618/F	\$350.00
17860520117M000	HARRIS KATHYRN & FERRIS GREGOR	1 AC	\$350.00
17860520118M000	BOUTIN BRETT & MINER PAULA L	TR 1N NW AKA TRACT C	\$350.00
17860520120M000	FRIEZ PATRICIA A	TR 1N NW AKA TRACT D C/S 421618F	\$350.00
17860520122M000	ZUELKE EARL C JR	TR 1N NW AKA TRACT E	\$350.00
17860520124M000	MICHELSON STEVEN K & PHYLLIS K	TR 1N NW AKA TRACT F	\$350.00
178606101090000	MEDLEY ADRON & SARA	E2 GOVT LT 2 20.86 AC	\$350.00

FILE: LIMEKILN.WK4  
INFORMATION TRANSFERRED JULY, 1998  
09-Jul-98 PRINT DATE

\$3,150.00

**LIME KILN ROAD AND SOUTH HILLS ROAD  
ROAD IMPROVEMENT DISTRICT  
CONTRACT AND AGREEMENT**

This CONTRACT AND AGREEMENT is made and entered into on this day and year as set forth below, between LEWIS AND CLARK COUNTY, State of Montana, hereinafter referred to as the County, and the LIME KILN ROAD ASSOCIATION, hereinafter referred to as the Association.

WHEREAS, the Lewis and Clark Board of Commissioners created Road Improvement District 93-3 (RID No. 93-3) for the purpose of funding road improvements and maintenance within the district; and

WHEREAS, the improvements consist of grading, shaping, and compacting the existing road surface, providing for drainage, installing and compacting a three (3) inch crushed asphalt top course, and installing a one shot chip-seal surface, for a finished top width of approximately eighteen (18) feet with a two (2) percent crown; and maintenance includes crack sealing, resurfacing, and other necessary repair to preserve the integrity of the road surface and the safety of the users; and

WHEREAS, the maintenance of all RIDs is to be administered by the County unless the Board of County Commissioners enters into a contractual arrangement with a representative body of the landowners within the district; and

WHEREAS, the Association represents to the Board of County Commissioners that it is a representative body of all the landowners within the district and is incorporated in the state of Montana; and

WHEREAS, the Association wishes to enter into a contractual arrangement with the Board of County Commissioners to provide for the administration of maintenance funds.

NOW, THEREFORE, the parties to this agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

1. The Association, through its Board of Directors and officers, shall prepare and submit a budget during the regular County budget process designed to provide for road improvement and maintenance within the boundaries of RID No. 93-3. The Board of County Commissioners shall review the budget submitted and may alter the budget, before final adoption, in conjunction with the Association. The approved budget shall be administered by the Board of Directors of the Association through its officers.
2. The Association, through its Board of Directors and officers, shall determine all facets of administration, including what improvements and maintenance are to be done within the scope of the resolution establishing RID No. 93-3, where they are to be done, how they are to be done, and when they are to be done.
3. The Association has the authority, subject to review and approval by the Board of County Commissioners, to enter into and terminate road improvement and maintenance contracts with persons and businesses it deems necessary for the proper maintenance of the road surface and structures. All contracts must comply with all federal, state, county and local laws. This includes provisions of the Little Davis Bacon Act.
4. Debts and claims incurred by the Association are to be paid through the County claims process. All claims must be approved by the Board of Directors of the Association, filed with the County Auditor for audit, and approved by the County Commission.
5. The county is not subject to any claim or liability in an amount greater than the total amount authorized in the annual budget to be expended for improvements and maintenance in any given year for RID No. 93-3.
6. Any improvements and maintenance work administered by the Association shall be within the scope of the resolution establishing RID No. 93-3, meet all

applicable requirements, and shall be approved by the Association Board of Directors or its designee prior to initiation of any work.

7. The County shall assess the account of RID No. 93-3 a yearly administrative fee and liability insurance fee based on the annual budget and at the same rate of assessment as other similar county budgets.

8. The County shall not assess the account of RID No. 93-3 any fees for engineering services. The Association shall provide a professional engineer for all engineering services required for the development of bid specifications, construction inspection, on-going maintenance, and any other tasks that require professional engineering services.

9. The account of RID No. 93-3 shall participate in the County pooled investment program and shall accrue interest in the same manner as all other participants.

10. This agreement shall coincide with the County fiscal year and shall continue from year to year, subject to the right of either party to terminate this agreement by giving written notice to the other party prior to April 1st of each year.

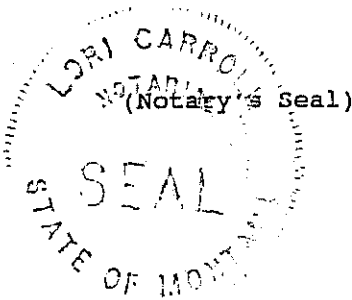
3<sup>rd</sup> IN WITNESS WHEREOF, the parties have caused this agreement to be executed this day of March, 1995.

Mike McMahon  
Signature for the Association

STATE OF MONTANA )  
COUNTY OF Lewis & Clark ) : ss

On this 2 day of March, 1995, before me a Notary Public for the State of Montana appeared Mike McMahon known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/she executed the same.

Keri Carroll  
Notary Public for the State of Montana  
Residing at Helena, Montana.  
My commission expires 8-8-98.



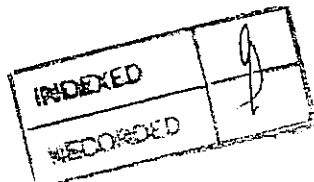
Michael A. Murray  
Michael A. Murray, Chairman  
Board of County Commissioners

ATTEST:

Paulette DeHart  
Paulette DeHart, Clerk and Recorder

531345  
PAULETTE DEHART CLK & REC  
LEWIS & CLARK CO  
HELENA, MT

(seal)



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BY Whitney McDosh